

REMARKS

Claims 1-3, 5-9, 11-15 and 17-22 have been examined. Claims 1-3, 5, 7-9, 11, 13-15, 17 and 20-22 have been rejected under 35 U.S.C. § 102(e), and claims 6, 12, 18 and 19 have been rejected under 35 U.S.C. § 103(a).

Preliminary Matters

As an initial matter, the Examiner has not acknowledged Applicants' claim to foreign priority and has not indicated receipt of the certified copy of the Priority Document JP 2000-017452 filed March 21, 2001. Accordingly, Applicant respectfully requests that the Examiner acknowledge the claim to foreign priority and confirm receipt of the priority document.

Rejections under 35 U.S.C. § 102(e)

The Examiner has rejected claims 1-3, 5, 7-9, 11, 13-15, 17 and 20-22 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,363,419 to Martin et al. ("Martin")

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites that first information is distributed to customers perceived to be visiting a specific area, and second information, differing from the first information, is distributed to customers not perceived to be visiting the specific area. Further, *both the first and second information relate to the specific area.* (see, for example, the non-limiting embodiment of Figure 2 and non-limiting embodiments of pages 8 and 9 of present Application)

Claim 1 has been amended to recite the portion italicized above. During the August 3, 2005 Examiner Interview between the undersigned and Examiner Barot, the Examiner indicated that the above italicized amendment distinguishes over Martin (see Interview Summary). For example, in column 11, lines 26-60, of Martin, a cellular hand-off operation is disclosed where a hand-off occurs when a mobile device moves from one cell to another (i.e., the base station transmission tower from the original cell hands off responsibility for the moving device to the new cell transmission tower in the next cell). Once the mobile device is in a new cell, advertisements, etc., related to the new cell, can be provided to the user.

Thus, assuming *arguendo* that each cell is considered an “area”, and the first cell is considered the claimed “specific area,” any new or differing information that the user receives when it moves out of the first cell to a new cell will not relate to the information provided in the first cell (i.e., in Martin, the information provided in each cell is cell area specific). Thus, any information distributed to the user when the user is not perceived to be in the *first* cell (i.e., alleged specific area), will not relate to the information distributed to the user when the user is perceived to be in the *first* cell, as recited in claim 1. Accordingly, Applicant submits that claim 1 is patentable over the cited reference.

As further noted on the Interview Summary, the Examiner indicated that he will have to update his search and further consider the amendment upon review of Applicant’s Official response. Thus, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claim 1 in view of Martin.

B. Claims 2, 3, 7, 8, 9, 13, 14, 15, 20 21 and 22

Since claims 2, 3, 7, 8, 9, 13, 14, 15, 20, 21 and 22 contain features that are analogous to the features recited above for claim 1, Applicant submits that such claims are patentable for at least analogous reasons as claim 1.

C. Claims 5, 11 and 17

Since claims 5, 11 and 17 are dependent upon one of claims 1, 7 or 13, Applicant submits that such claims are patentable at least by virtue of their dependency.

Rejections under 35 U.S.C. § 103(a)

The Examiner has rejected claims 6, 12, 18 and 19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Martin and U.S. Patent No. 6,813,608 to Barnowski ("Barnowski"). However, since claims 6, 12, 18 and 19 are dependent upon one of claims 1, 7 or 13, and Barnowski fails to cure the deficient teachings of Martin, in regard to claims 1, 7 and 13, Applicant submits that claims 6, 12, 18 and 19 are patentable at least by virtue of their dependency.

Amendment under 37 C.F.R. § 1.116
U.S. Application No. 09/769,392

Newly Added Claims

Applicant has added claims 23-25 to provide more varied protection of the present invention. Applicant submits that such claims are patentable for at least analogous reasons as claim 1.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


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